

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

SEA STAR LINE, LLC,
a limited liability company,

Plaintiff,

-vs-

CASE NO. 05-CV-00245 (JJF)

EMERALD EQUIPMENT LEASING, INC.,
a corporation,

Defendant.

**SEA STAR LINE LLC'S MOTION FOR PARTIAL DISMISSAL
OF THE AMENDED COUNTERCLAIM AND FOR AN EXTENSION OF TIME
TO RESPOND TO THE REMAINDER OF THE COMPLAINT**

Pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiff, SEA STAR LINE, LLC ("SEA STAR"), moves for entry of an Order dismissing certain counts of the Amended Counterclaim filed by Defendant, EMERALD EQUIPMENT LEASING, INC. ("EMERALD"). As grounds for this Motion, SEA STAR would show the Court:

1. Count I fails to state a claim for relief based on alleged breach of an "E-Mail Agreement", which EMERALD reiterated and incorporated despite the Court's Memorandum Opinion and Order dated January 26, 2006.

2. Count II fails to state a claim for "Turnover" relief based on 11 U.S.C. § 342.

3. Count IV through Count VIII fail to state tort claims for relief. The Amended Counterclaim discloses that:

(a) the applicable statutes of limitations bar certain of EMERALD's tort claims;

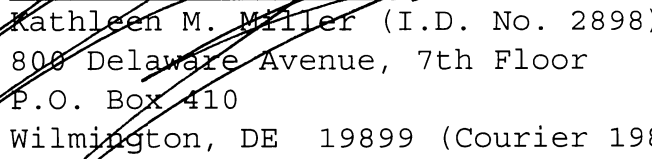
(b) the Amended Counterclaim fails to comply with Fed. R. Civ. P. 9(b).

SEA STAR also requests an order, pursuant to Fed. R. Civ. P. 6(b) for an extension of time to respond to the remaining counts in the Amended Counterclaim to a time 10 days after the Court rules on this motion.

In support of this Motion, SEA STAR submits the attached Brief.

March 6, 2006

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **6th** day of **March, 2006**, a copy of the foregoing **SEA STAR LINE LLC'S MOTION FOR PARTIAL DISMISSAL OF THE AMENDED COUNTERCLAIM AND FOR AN EXTENSION OF TIME TO RESPOND TO THE REMAINDER OF THE COMPLAINT** was served on the following by first class mail:

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